A.   Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the 1.131 Declaration, the amendments to the specification, the amendments to the claims and the following remarks.

B.   Drawing Objections

Figure 1 had been objected to for containing reference character 20 which is not described in the specification. Applicants have amended page 7 of the application to refer to "cassette 20".   It is submitted that each of the reference characters in the drawings are now described in the specification.

C.   Specification Objections and Amendments

Page 6 of the application had been objected to for stating that photoreceptor 1Y forms the yellow image and the magenta image.   Page 6 has been amended to state that photoreceptor "1M" forms the magenta image.

The Examiner had noted that the trademarks appearing throughout the application should be capitalized to indicate their proprietary nature. Applicants have reviewed the application and have capitalized the trademarks.

D.   Claim Rejections and Amendments

Claims 1-3 and 5-19 are presented for further prosecution.

Claim 1 has been amended to include the limitations of claim 4. Claim 4 has been cancelled. Claim 1 now recites the surface roughness of the layer.

Claim 1 has also been amended to clarify that the layer contacts the toner in the developing step.

Claim 8 had been rejected for reciting "the cleaning means" while the claim from which it depends recites "the cleaning device". Applicants have amended claim 8 to recite "the cleaning device" as correction.

Claim 18 had been rejected as indefinite for reciting that the toner images are formed by developing each of the latent images "by each of toners". Applicants have deleted "by each of toners" to clarify that the toner images are formed by developing each of the latent images.

E.   Rejections under 35 USC 103(a) based on Asano

Claims 1, 2, 4-10, 12-15, 18 and 19 had been rejected as being unpatentable over Asano (US 2003/0180646) in view of Uchida (US 2002/0076636).

1.   Asano as prior art

Asano is prior art under 102(e) because the February 28, 2003 filing date of Asano is prior to the March 15, 2004 filing date of this application.   In accordance with 37 CFR § 1.131, Applicants have enclosed a Declaration to establish invention of the subject matter of the rejected claims prior to the 102(e) date of Asano.   The Declaration was made by the Inventors of the present invention.

As explained in section 3 of the enclosed Declaration, the Inventors of the present invention invented the subject matter of the rejected claims in Japan.   To prove that the date of invention is prior to the effective date of Asano, Applicants submit an English translation of the corresponding Japanese patent application (Application No. P2002-371944).   Japanese application P2002-371944 was filed on December 24, 2002 and is directed to the subject matter of the rejected claims.   The rejected claims are supported in the following portions of the '944 application as evidenced by the enclosed certified English

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translation of JP 2004-205618 (JP '618 is a publication of the '944 application):

claim 1	–	claim 1	claim 11	–	par. 62
claim 2	–	claim 2	claim 12	–	par. 36
claim 3	–	claim 3	claim 13	–	par. 43
claim 4	–	claim 4	claim 14	–	par. 45
claim 5	–	claim 5	claim 15	–	par. 48
claim 6	–	claim 5	claim 16	–	par. 52
claim 7	–	claim 7	claim 17	–	par. 52
claim 8	–	claim 6	claim 18	–	pars. 23-27
claim 9	–	par. 55	claim 19	–	par. 37
claim 10	–	par. 56			

Applicants respectfully submit that the rejected claims are supported by JP '944 and that the filing of JP '944 constituted a constructive reduction to practice of the rejected claims prior to the 102(e) date of Asano (note that "actual" should read "constructive" in par. 5 of the Declaration). In addition, Applicants note that the enclosed Declaration complies with the requirements of 37 CFR § 1.131, since Japan is a member of the WTO, since Asano does not claim the same invention as claimed in this application, and since Asano is not a statutory bar under 102(b).

Applicants therefore submit that the rejections based on Asano are overcome.

F.   Rejections under 35 USC 103(a) based on Nagase

Claims 1, 2, 5, 6, 12-15, 18 and 19 had been rejected as being unpatentable over Nagase (US 2001/0031417) in view of Chambers (US 6,300,027) and Inoue (US 5,955,530).   Claims 3, 16 and 17 had been rejected as being unpatentable over Nagase in view of Chambers, Inoue and Hagi (US 6,338,929).   Claims 6-11 had been rejected as being unpatentable over Nagase in view of Chambers, Inoue, and Oshiba (JP 9-274417).

1.   Nagase, Uchida, Chambers, Inoue, Hagi and Oshiba do not teach or suggest the surface roughness of amended claim 1

Applicants have amended claim 1 to include the limitations of claim 4.   Claim 1 now recites that the surface roughness Ra of the layer is not less than 0.02 μm to less than 0.1 μm.

Nagase, Uchida, Chambers, Inoue, Hagi and Oshiba do not teach or suggest the surface roughness of amended claim 1. Applicants therefore respectfully submit that the claimed invention is patentable over Nagase, Uchida, Chambers, Inoue, Hagi and Oshiba taken alone or in combination.

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G. Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: 1.131 Declaration
      JP-A-2004-205618
      Certified English translation of JP-A-2004-205618
      Return receipt postcard

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